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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/875,670
Filing Date: June 05, 2001
Appellant(s): DAVIES ET AL.

Eric S. Replogle (Reg. No. 52,161
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/09/2006 appealing from the
Office action mailed 05/17/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20010032273	Cheng	10-2001
6,694,363	Yamadaji	2-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 19, 25-29, 33, and 35-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (US 2001/0032273) (hereinafter Cheng) in view of Yamadaji et al. (6,694,363) (hereinafter Yamadaji).

3. As per claim 1, Cheng discloses a controller (page 1, paragraph #0006) comprising at least one Home Audio Visual Initiative (HAVi) server (page 3, paragraph #0031) that communicates with at least one HAVi compliant device (page 2, paragraph #0024) using a HAVi application programming interface (API) (page 1, paragraph #0011) and further communicates with at least one proxy (page 2, paragraph #0027) on at least one Internet Protocol (IP) device (page 2, paragraph #0027) using an IP and HAVi API (page 2, paragraph #0027), the server communicating with the IP device via the Internet protocol (page 3, paragraph #0030), the IP and HAVi API providing API support to translate and relay calls between the proxy and the server so that each one of the at least one HAVi compliant device and the IP device controls the other one of the devices (130,170,fig 2, page 2, paragraph #0028). Cheng does not explicitly disclose functionality of the network equipments such as controller functions. However, HAVi controllers are well known in the art. For example, Yamadaji discloses controller functions (col 2, lines 63-66). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng with Yamadaji because Yamadaji's use of controller device functions would provide "Cheng's HAVi system which can reduce the memory capacity necessary for storing software to control and utilize functions of HAVi compliant devices.

4. As per claim 3, Cheng discloses an IP device control module (DCM), wherein the at least one HAVi compliant device controls the IP device by accessing a DCM associated with the IP device (page 5, paragraph #0055).

5. As per claim 4, Cheng discloses the HAVi compliant device is physically located on the controller (page 3, paragraph #00238).

6. As per claim 5, Cheng fails to disclose a HAVi stack that enables the IP device DCM to be instantiated independently of bus reset events. Yamadaji discloses a HAVi stack that enables the IP device DCM to be instantiated independently of bus reset events (col 6, lines 4-10). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Cheng and Yamadaji. The motivation would have been to have a bus rest of the IEEE 1394 so the topology and ID numbers and like is set again.

7. As per claim 6, Cheng discloses the server communicates with IP devices across a first communication medium and HAVi compliant devices across a second communication medium (180, 330, fig 3, page 3, paragraph #0032).

8. As per claim 7, Cheng fails to disclose the first communication medium is selected from the group consisting of fiber, optical, cable, wire and wireless networks. Yamadaji discloses the first communication medium is selected from the group consisting of fiber, optical, cable, wire and wireless

networks (col 8, lines 29-33). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Cheng and Yamadaji. The motivation would have been to employ a system using industry standard networking equipments and platforms.

9. As per claim 8, Cheng does not explicitly disclose wherein the second communication medium is an IEEE 1394 network. Yamadaji discloses the second communication medium is an IEEE 1394 network (col 4, lines 17-18). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Cheng and Yamadaji. The motivation would have been to use industry standard IEEE1394 protocol.

10. As per claim 9, Cheng discloses a stream bridge (page 1, #0009) configured to capture content from a first device of IP and HAVi compliant devices coupled to the controller and relay it to a second device of IP and HAVi compliant devices (page 1-2, paragraph #0011).

11. As per claim 10, Cheng discloses the controller is selected from the group consisting of a HAVi full audio/visual device and an intermediate audio/visual device (page 1, paragraph #0005).

12. As per claim 25, the claim is rejected for same reasons as claim 1, above.

13. As per claim 26, the claim is rejected for same reasons as claim 5, above.

14. As per claim 27, the claim is rejected for same reasons as claim 9, above.

28. As per claim 28, the claim is rejected for same reasons as claim 9, above.

15. As per claim 29, the claim is rejected for same reasons as claim 1, above.

16. As per claim 41, Cheng discloses instantiating (page 5, paragraph #0055) a device control module on the controller, the DCM corresponding to the Internet Protocol network device (page 2, paragraph #0024), wherein one of the home audio/video network devices controls the Internet Protocol network device by accessing the device control module (tunnel, page 2, paragraph #0024-0025).

17. As per claim 42, the claim is rejected for same reasons as claim 7, above.

18. As per claim 43, the claim is rejected for same reasons as claim 9, above.

19. As per claim 33, the claim is rejected for same reasons as claim 1, above.

20. As per claim 35, the claim is rejected for same reasons as claim 3, above.

21. As per claim 36, the claim is rejected for same reasons as claim 5, above.
22. As per claim 37, the claim is rejected for same reasons as claim 9, above.
23. As per claim 44, the claim is rejected for same reasons as claim 1, above.
24. As per claim 45, the claim is rejected for same reasons as claim 1, above.
25. As per claim 38, the claim is rejected for same reasons as claim 3, above.
26. As per claim 39, the claim is rejected for same reasons as claim 7, above.
27. As per claim 40, the claim is rejected for same reasons as claim 9, above.
28. As per claim 46, the claim is rejected for same reasons as claim 1, above.
29. As per claim 19, Cheng discloses content is streamed between the Internet Protocol network device and the home audio/video network controller (page 1, paragraph #0005).

(10) Response to Argument

Cheng disclose Appellant's invention as claimed in claims 29, 44-46 is directed to a server that communicates with a home network device using a dedicated home audio/video network protocol (350, 250, fig 3, HAVi web server interface with HAVi devices). In addition, the server communicates with a proxy on an internet Protocol (IP) device with an application programming interface (API) compliant with the Internet Protocol and the dedicated home audio/video network protocol (fig 3, paragraph 0027, 0034, WEB-to-HAVi, HAVi-to-WEB interfaces). The API provides support to translate and relay calls between the proxy and the server so that the home network device and the IP compliant devices can control (paragraph #29) each other through the proxy (fig 3, paragraph 0027, 0034, WEB-to-HAVi, HAVi-to-WEB interfaces). Furthermore, Appellant's invention as claimed in claims 1-3, 10, 19, 25-28, 33, and 35-43 is directed to a Home Audio Visual Initiative (HAVi) server that. communicates with a home network device is a HAVi compliant device using a HAVi API. Furthermore, the server communicates with a proxy on an IP device using an IP/HAVi API (350, 250, fig 3, HAVi web server interface with HAVi devices). The IP/HAVi API provides support to translate and relay calls between the proxy and the server so that the HAVi and the IP compliant devices can control each other (fig 3, paragraph 0027, 0034, WEB-to-HAVi, HAVi-to-WEB interfaces).

Cheng specifically does not teach controller function such as controlling other the other one of the devices. However, Yamadaji discloses controller function such as controlling other the other one of the devices (col 2, lines 64-67, "one device has a controller function of controlling and making use of other devices"). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng with Yamadaji because Yamadaji's use of controller device functions would provide "Cheng's HAVi system which can reduce the memory capacity necessary for storing software to control and utilize functions of HAVi compliant devices (motivation can be found in Cheng, paragraph #0024, #0006, #0055, DCM/FCM).

Appellant's Argument: Cheng does not teach or suggest that the bridge formed by glue layers 220,260 allows either HAVi device 250 or web server 180 to control the other device (page 3, Appeal brief). The examiner respectfully disagrees.

Examiner Response: Cheng teaches that the bridge formed by glue layers allows either HAVi device or web server to control the other device (130,170,fig 2, page 2, paragraph #0023; #0024; #0029; "A transaction, which may be synchronous or asynchronous, starts when a request is

issued from the application 230 to an Internet web server 180, and ends when the application 230 receives the complete response, which may include multiple Internet messages, from the Internet web server 180.”). Cheng specifically does not teach controller function such as controlling other the other one of the devices. However, Yamadaji discloses controller function such as controlling other the other one of the devices (col 2, lines 64-67, “one device has a controller function of controlling and making use of other devices”). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng with Yamadaji because Yamadaji’s use of controller device functions would provide “Cheng’s HAVi system which can reduce the memory capacity necessary for storing software to control and utilize functions of HAVi compliant devices (motivation can be found in Cheng, paragraph #0024, #0006, #0055, DCM/FCM).

Appellants acknowledges on page 3, that HAVi application can control an IP devices and IP application can control a HAVi device.

Appellant’s Argument: Cheng specifically states that neither the web server nor HAVi device have to be modified for the bridge to work. Instead, Cheng discloses that the components of the glue layers execute on other systems also connected to the HAVi network (on page 3 of the Brief).

Examiner's Response: The argument is misleading, broad conclusory statement, not the requirements of the claims, and not substantiated by the reference.

Appellant's Argument: Cheng actually teaches away from locating the proxy on an IP device from locating the proxy on an IP device, e.g. web server 180, because Cheng specifically states that the IP device does not need to be modified to work with the bridge (on page 4 of the Brief).

Examiner's Response: The prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed....” In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). The argument is misleading, broad conclusory statement, not the requirements of the claims, and not substantiated by the reference.

Appellant's Argument: Cheng does not teach or suggest that the home network and IP device can control each other or that the API on the IP device is compliant with a dedicated home audio/visual network protocol as claimed (on page 4 of the Brief).

Examiner's Response: Cheng teaches the home network and IP device can control each other or that the API on the IP device is compliant with a dedicated home audio/visual network protocol (130,170,fig 2, page 2, paragraph #0023; #0024; #0029; "A transaction, which may be synchronous or asynchronous, starts when a request is issued from the application 230 to an Internet web server 180, and ends when the application 230 receives the complete response, which may include multiple Internet messages, from the Internet web server 180."). Cheng specifically does not teach controller function such as controlling other the other one of the devices. However, Yamadaji discloses controller function such as controlling other the other one of the devices (col 2, lines 64-67, "one device has a controller function of controlling and making use of other devices"). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cheng with Yamadaji because Yamadaji's use of controller device functions would provide "Cheng's HAVi system which can reduce the memory capacity necessary for storing software to control and utilize functions of HAVi compliant devices (motivation can be found in Cheng, paragraph #0024, #0006, DCM/FCM).

Appellant's acknowledges on page 3, that HAVi application can control an IP devices and IP application can control a HAVi device.

Appellant's Argument: The combination of Cheng and Yamadaji does not teach or suggest every element of claim 29.

Examiner's Response: All the elements of claims 29 and 1 are rejected for the same reasons as discussed above.

For all these reasons, claims 1, 3-10, 19, 25-29, 33, and 35-46 are properly rejected under 35 USC 103 (a) as anticipated by Cheng in view of Yamadaji.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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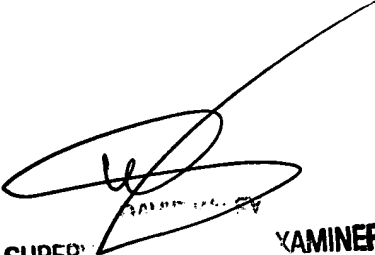
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